

1 GARY M. RESTAINO
United States Attorney
2 District of Arizona
STUART J. ZANDER
3 California State Bar No. 276724
Assistant U.S. Attorney
4 Two Renaissance Square
40 N. Central Ave., Suite 1800
5 Phoenix, Arizona 85004
Telephone: 602-514-7500
6 Email: Stuart.Zander@usdoj.gov
Attorneys for Plaintiff

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 vs.
13
14 Dominic Leos,
15 Defendant.

CR-23-01025-001-PHX-MTL
**GOVERNMENT'S MOTION FOR
DETENTION**

16
17 The defendant, Dominic Leos, is scheduled to be sentenced on April 29, 2024,
18 following his guilty plea to the offense of Conspiracy to Transport Illegal Aliens for Profit
19 in violation of Title 8 U.S.C. § 1324(a)(1)(A)(ii), (a)(1)(B)(i), and (a)(1)(A)(v)(I). The
20 United States asks the Court to accept the plea agreement and sentence the defendant in
21 accordance with the terms and stipulations contained therein.

22 **Guideline Calculations**

23 The United States agrees with the Presentence Report guideline calculations (Doc.
24 69, referred to hereafter as the "PSR".) The defendants Total Offense Level is 19 (*Id.*, par.
25 43.) The PSR correctly states the defendant's base offense level should be 12 (*Id.*, par. 33),
26 he should receive a six-level enhancement as he transported or directed the transportation
27 of between 25 and 99 undocumented aliens (*Id.*, par. 28), a two-level enhancement for
28 intentionally or recklessly creating a substantial risk of death or serious bodily injury to
another person (*Id.*, par. 29) and a two-level enhancement as the defendant was an

1 organizer, leader, manager or supervisor in the criminal activity. The defendant should
2 receive a three-level reduction for acceptance and responsibility (*Id.*, pars. 35-36.).

3 As the defendant has a Criminal History Category I, and a Total Offense Level 19
4 his guideline calculation is 30-37 months' imprisonment. The plea agreement contains a
5 stipulation that his sentence shall not exceed the high-end of the sentencing range.

6 **Sentencing Request**

7 The United States hereby requests the defendant be sentenced to 37 months of
8 imprisonment. The defendant is 20 years old and is a clear danger to the community. For
9 the past few years, he has been extensively involved in alien smuggling as an alien
10 smuggling coordinator working directly for the cartels in Mexico. Based on the defendant's
11 statements and statements by witnesses, the defendant has successfully smuggled an
12 unknown number of illegal aliens, from the border to Phoenix, Arizona.

13 Based on his past contacts with law enforcement, data from his cellphones and
14 social media accounts, the defendant has successfully smuggled an unknown number of
15 illegal aliens from the United States border with Mexico to Phoenix, Arizona. Most notable
16 is LEOS' recruitment of early 20's aged individuals as drivers. These drivers are lured into
17 working for the defendant based on his social media posts that glamorize alien smuggling
18 by proclaiming drivers can make large sums of money for picking up illegal aliens without
19 the risk of being arrested by law enforcement. A sentence at the high-end of the guidelines
20 is appropriate based on the defendant's conduct. Therefore, a strong sentence based on
21 specific and general deterrence is needed.

22 **Background of the Investigation**

23 Alien smuggling recruiters use Snapchat to recruit drivers to transport illegal aliens
24 further into the United States. Members of Human Smuggling Organizations often use
25 social media to recruit people (drivers) to pick up illegal aliens near the United States and
26 Mexico International Border and transport them further into the United States. Your Affiant
27 knows Members of Human Smuggling Organizations often refer to the illegal aliens as
28

1 “pollitos” or “pollos,” which is a Mexican slang in Spanish meaning “baby chickens” or
2 “chickens.” Thus, recruiters often use chicken emoji’s in their Snapchat’s to infer that the
3 work they are offering involves illegal aliens. A guide is a member of Human Smuggling
4 Organization. Guides usually travel with a group of illegal aliens through the desert from
5 Mexico into the United States. Guides usually deliver the illegal aliens to predetermined
6 pick up location(s) inside the United States. At that location, another member of the Human
7 Smuggling Organizations picks up the illegal aliens (usually referred to as a driver) who
8 then transports the illegal aliens further into the United States.

9 In 2021, at the age of 18, LEOS moved out of his parents residence. While working
10 at Buffalo Wild Wings, he met Nate Rivera¹ (Rivera). Rivera then introduced him to Jose
11 Nunez² (Nunez). Rivera and Nunez were already running aliens when LEOS began to work
12 with them. LEOS started as a driver, picking up the aliens in Southern Arizona and
13 transporting them to Phoenix. As he, Nunez and Rivera gain more notoriety with the cartels
14 in Mexico, their business exploded along with their responsibilities. Rivera became the
15 leader and Nunez and LEOS became his trusted coordinators. LEOS and Nunez recruited
16 drivers on social media, including Snapchat. They would travel to the southern border with
17 the drivers, run heat, to make sure the drivers could be trusted and did not steal the aliens.

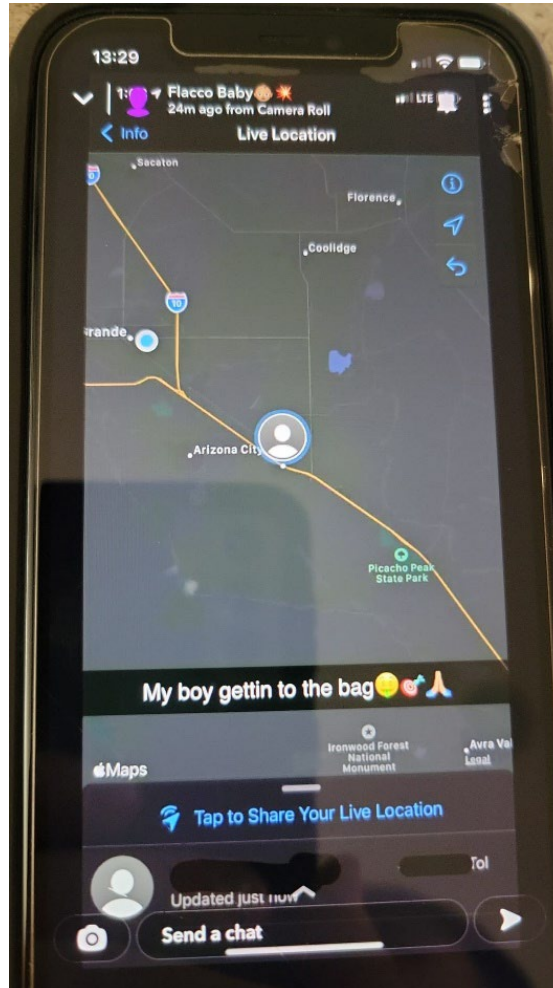
18 In December 2021, Homeland Security Investigations (HSI) began following
19 LEOS’ Snapchat account flacoobabyx2. The Snapchat account posted frequent
20 advertisements recruiting drivers to contact LEOS to work for him by picking up illegal
21 aliens at the border. Below is just a small sample of the types of posts LEOS made on
22 Snapchat daily depicting his heavy involvement in human smuggling.

23 On April 15, 2022, at approximately 1:00pm, flaccobabyx2 posted a screenshot of
24 a WhatsApp live location showing a blurred out user traveling on Interstate 10 near Arizona

25
26 ¹ Rivera was Indicted for Conspiracy to Transport Illegal Aliens for Profit and
27 Transportation of Illegal Aliens for Profit, in case number CR-22-02699-001-TUC-JGZ.

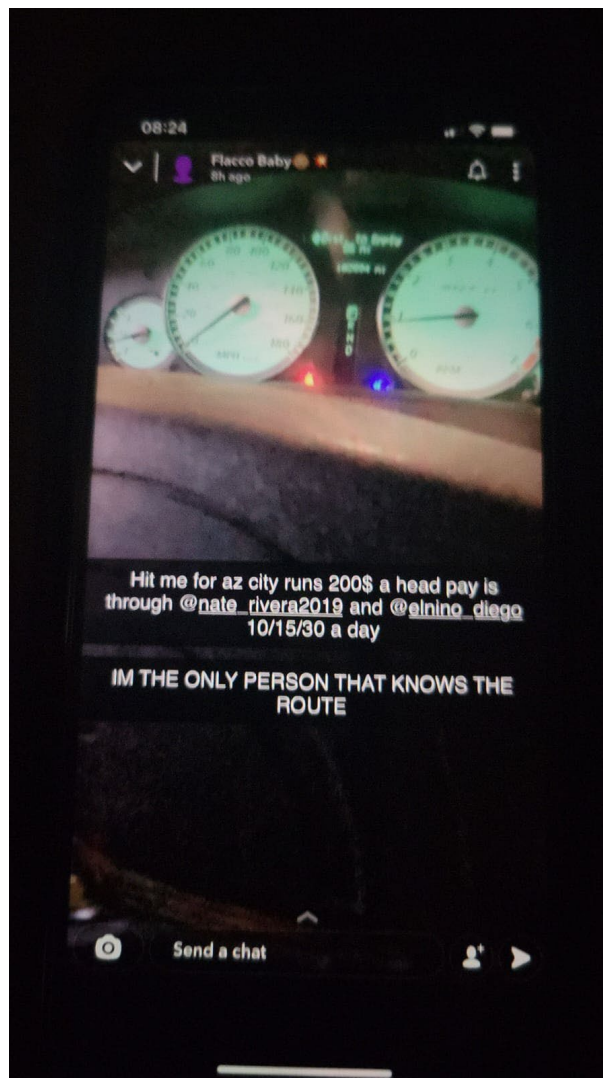
28 ² Nunez was Indicted for Conspiracy to Transport Illegal Aliens for Profit, in case number
CR-22-01332-001-PHX-JJT.

1 City. The caption states: “My boy getting to the bag (emoji with \$ on the tongue) (bullseye
2 emoji) (prayer emoji)”.



20 A common trend used to recruit alien load vehicle drivers is to share a live location
21 of a driver who had successfully picked up illegal aliens and was travelling to the drop off
22 destination without being interdicted by law enforcement. The reference to “the bag” is a
23 common term used to describe making money. In this post, LEOS is indicating, his driver
24 has picked up, made it past the checkpoints and is headed to Phoenix to get paid.

1 On April 20, 2022, at approximately 12:30am, flaccobabyx2 posted a picture of the
2 dashboard of his vehicle. The caption stated, "Hit me for az city runs 200\$ a head pay is
3 through @nate_river2019 and @elnino_diego 10/15/30 a day" "IM THE ONLY PERSON
4 THAT KNOWS THE ROUTE".



23 In this post, LEOS is stating he has aliens ready to be picked up in Arizona, City (a
24 community near the United States and Mexico border). He also indicates he is the only
25 person who knows the route, thus his drivers would be safe from detection from law
26 enforcement.

27 On April 20, 2022, at approximately 8:25am, a post was observed shared from
28 flaccobabyx2's memories. The post was from four days prior and was a video showing

1 approximately eight illegal aliens in the cab of LEOS' pickup truck. The caption stated "Ez
2 as that lmk az city runs only"³. In this post, LEOS is bragging that he just picked up eight
3 illegal aliens, which he shows in the video, and that he is headed towards Phoenix to get
4 paid. His statement, "Ez as that" is to recruit drivers to come work for him as it is easy
5 money picking up illegal aliens.

6 On April 20, 2022, at approximately 1:30am, flaccobabyx2 posted a black
7 background with the caption stating: "I still move outta Douglas and Sierra vista jus not as
8 much always 1k a head but I'm also in charge of the Arizona city ones too". In the post,
9 LEOS is indicating he moves aliens out of Douglas and Sierra Vista, Arizona for \$1,000
10 per head (per alien smuggled) and that he oversees all alien smuggling activities in and
11 around Arizona City. Thus, if any drivers needed work, they need to contact him.

12 On April 20, 2022, at approximately 8:15pm, flaccobabyx2 posted a screenshot of
13 a Cochise County Sheriff's Office apprehension following a high-speed pursuit. The
14 suspect of the pursuit was 23-year-old Martez Jackson of Casa Grande. The captions state:
15 "Bruh who sent my bro on a run (facepalm emoji) y'all niggas don't know how to guide
16 people fr shit makes me mad you'll be home soon papa (praise hands emoji)". The second
17 caption states: "All u wanna be fake ass polleros never drove a day in ur life and wanna
18 jump into sending people y'all needa get get tf outta this game it aint for u Nmms free my
19 brother frfr (sad face emoji)". In this post, LEOS is stating if you do not know how to guide
20 drivers, they will end up being arrested. Therefore, he is making the innuendo, if you work
21 for him, a seasoned coordinator, you will not be arrested.

22 On April 22, 2022, at approximately 7:15pm, flaccobabyx2 posted a screenshot of
23 a WhatsApp conversation between "Banz Boy" (Rivera) and an unknown individual. The
24 caption of the post states: "Ya hurd 40 people coming lmk lmk" "Hit up flaco [LEOS] to
25
26

27
28 ³ During LEOS's post arrest interview, LEOS confirmed all the posts he made on Snapchat
with illegal aliens in his pickup truck were aliens he personally had picked up.

1 follow him with in these days i need ¾ peeps” “200\$ a yk”. The WhatsApp conversation
2 reads:

3 3-4 from now we getting a shipment of 40 people

4 Ez racks

5 Bet in (blacked out) city papa

6 Yeah the same spot that flaco goes too

7 Bet bet u coming back tomorrow bruh gato⁴ owed me hella.

8 I get there Sunday Pa tell him to have it all ready

9 He owes me 97k and he bugs me to pick it up but fuck that I'll wait
10 till Sunday then.

11 In this post, LEOS is reposting a post from an unknown person who had a
12 conversation with Rivera. In the conversation, they indicate they (Rivera and LEOS) are
13 getting a group of 40 illegal aliens. The post was posted by LEOS to put drivers on notice
14 that he and Rivera have a large group of illegal aliens coming in and they will need drivers
15 to go pick them up. Also, by working for LEOS and Rivera, the drivers can make a large
16 amount of money.

17 On April 22, 2022, at approximately 7:50pm, flaccobabyx2 posted a picture of his
18 hairy legs and white shoes. The caption states: “Got 9 in Tucson lmk”. This post is to
19 inform drivers, LEOS has 9 illegal aliens in Tucson ready to be picked up and that he needs
20 a driver to go get them on his behalf.

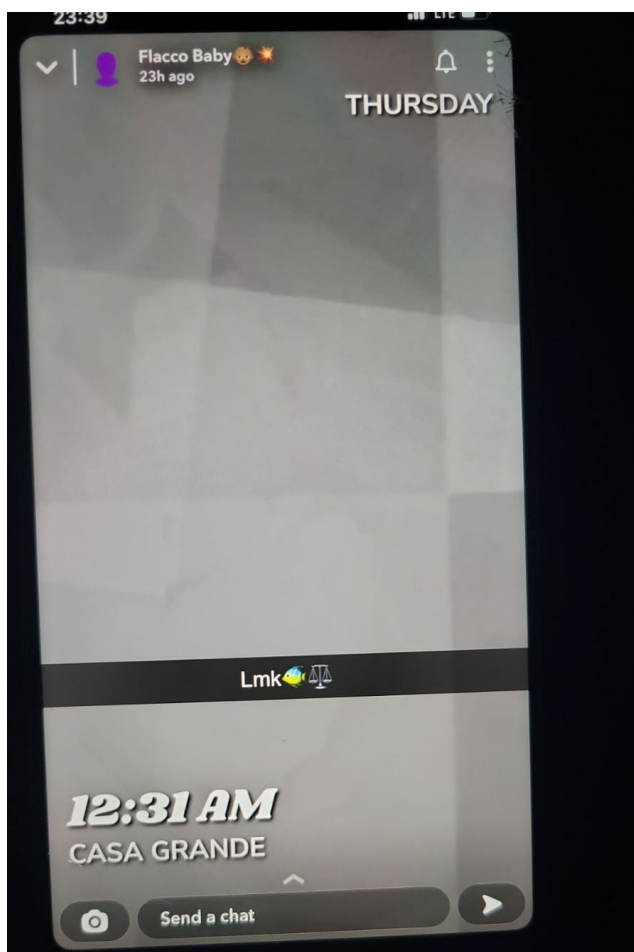
21 On April 23, 2022, at approximately 10:30pm, flaccobabyx2 posted a screenshot of
22 a WhatsApp message. The message is from “EL NINO” and reads: “They still walking pa
23 Pero get your 4-5 drivers ready cause they landing sometime this week”. The caption of
24 the post reads: “Y'all heard they still walking I need 4 drivers that are fsfs gonna be ready
25 get ur spots ARIZONA CITY WORK ONLY I don't want bullshit i don't want no lagers
26 _____

27
28 ⁴ Gato is a well-known Mexican based Alien Smuggling Coordinator and is known to work
with Rivera, LEOS and Nunez.

1 lets get this smhoney”. In this post LEOS is indicating he needs 4-5 drivers to go work for
2 him picking up illegal aliens. He only wants serious drivers who want to make a large
3 amount of money.

4 During 2022, LEOS also began to sell cocaine and advertised on Snapchat his
5 services. During his post *Miranda* interview, LEOS admitted to using Snapchat to sell
6 cocaine.

7 On April 7, 2022, at approximately 12:30am, flaccobabyx2 posted a photograph and
8 blurred the image using a filter. Through the blurred image, chunks of white powder could
9 be seen. The caption of the post states: “Lmk (fish emoji) (scale emoji)”. Casa Grande,
10 Arizona is geotagged.



1 Emojis are frequently used in social media narcotics sales to disguise what the user
2 might be selling. In this instance, the use of the fish emoji and the scale emoji suggest the
3 user is selling “fish scale” which is a common term for cocaine.

4 On April 9, 2022, at approximately 9:00pm, flaccobabyx2 posted a blurry
5 photograph. The caption stated, “Who needs snow got the best in the grande”. Snow is a
6 common term used to describe cocaine.

7 On April 10, 2022, at approximately 7:30pm, flaccobabyx2 posted a photograph
8 that was blacked out by darkness/a black background. The caption of the photograph stated:
9 “Lmk if u need white best in da grande (fire emoji) (fire emoji)”. In this post LEOS is
10 indicating he has the best cocaine in Casa Grande, Arizona for sale.

11 **Murder of LEOS’ Girlfriend and Another Female**

12 On April 24, 2022, Casa Grande Police Department (CGPD) responded to multiple
13 reports of a shooting that had occurred at the Sonoran Apartments, in Casa Grande,
14 Arizona. Upon arrival, CGPD located two female shooting victims next to a Chrysler 300,
15 owned by LEOS. CGPD Detectives initiated an investigation into the homicides. CGPD
16 conducted a recorded interview with LEOS, who admitted to being involved in human
17 smuggling, though minimized his involvement. LEOS admitted to running two smuggling
18 loads around December 2021 but denied being involved in any recent smuggling activity.
19 During a second interview, LEOS identified Terrance Santistevan⁵ as the shooter. LEOS
20 stated he hired Santistevan to run two loads of illegal aliens. LEOS was supposed to pay
21 Santistevan \$2,000 for the job(s), but only paid him \$500 initially but later stated he paid
22 him \$1,000. LEOS advised he has owed Santistevan money since October 2021 and had
23 refused to pay him. CGPD identified LEOS as the target of shooting. CGPD believes
24 Santistevan targeted LEOS, because LEOS owed Santistevan \$14,000 from alien
25 smuggling.

26
27
28 ⁵ Santistevan was arrested for the murders and is facing murder charges in Pinal County.

1 Santistevan was arrested and gave a post *Miranda* interview. He stated prior to the
 2 murders he had worked for LEOS for a few months (3-4 months) running aliens for the
 3 cartel. During that time LEOS paid him \$1,000 to \$1,300 a day. He had also worked for
 4 LEOS in 2021. According to Santistevan, LEOS was all in on alien smuggling and had
 5 paid \$10,000 to get into the cartel. LEOS owed him \$14,000 and he owed a friend of his
 6 between \$15,000 and \$20,000 for driving (picking up illegal aliens and transporting them
 7 to Phoenix). During the time he worked for LEOS, LEOS would follow him on his runs.

8 After the murders, LEOS briefly stopped alien smuggling and moved to Show Low,
 9 Arizona. During this time, LEOS attempted to sell his connections to the Mexican cartel,
 10 his routes and drivers to other alien smuggling coordinators for \$14,000 indicating he had
 11 made over \$900,000 since COVID⁶.

12 On May 10, 2022, LEOS texted Snapchat user, Arnoldo-0414:

13 flaccobabyx2: U tryna buy my connects for Douglas Sierra vista eloy
 14 Arizona city casa grande Stanfield and sells? And then
 15 I'll throw my drivers I got 10 drivers that go out 2 times
 16 a week at least and they know the routes and all I'm just
 17 out the game since my girl was killed I'm gonna clean and
 18 right bud tryna get back on my feet so I can get a car again
 since mine was shot up when they killed my girl and her
 friend.... I'll give u everything that's connects numbers snaps
 and my drivers snaps and numbers for 14k.

19 On May 10, 2022, LEOS texted Snapchat user, e_criticado:

20 flaccobabyx2 :Bett jus lmk pa I'll charge u 14k for everything drivers and all mexico
 21 connects so you'll become a main connect and I'll send all my middle
 22 mans for u I honestly made 900,000 since COVID off these bosses
 23 just not tryna touch that bread because it was mine and my girls money
 24 to get a house and I'm jus not in the right mindset to do anything rn
 25 I'm still in a bad mental state and jus tryna get out and gets car and
 26 start over yk... I'm not tryna be in the game pa tbh that's why I'm
 27 selling them as is and shit like once I sell em ion want anything to do
 28 w work especially cuz feds all over me because this the reason my girl
 and her friend was killed

⁶ During LEOS post *Miranda* interview, he admitted he tried to sell his contacts and found a buyer, but the deal fell through.

1 Though by July 2022, LEOS was back on law enforcement radar as he returned to
 2 alien smuggling. On July 27, 2022, LEOS texted Snapchat user, pgvisuals, a known alien
 3 smuggling coordinator, that he had aliens in Douglas, Arizona for \$1,000 per head (per
 4 alien smuggled). Though the pgvisuals, refused to do the job as LEOS had previously
 5 “robbed” him (did not pay him for driving).

6 flaccobabyx2: Douglas 1k

7 pgvisuals: To hot rn [right now] in sv n Douglas....I had drives go n
 8 all this morning...How I get some of the money u robbed
 me in for doing run.

9 On October 12, 2022, LEOS texted Snapchat user banz-boy (Rivera):

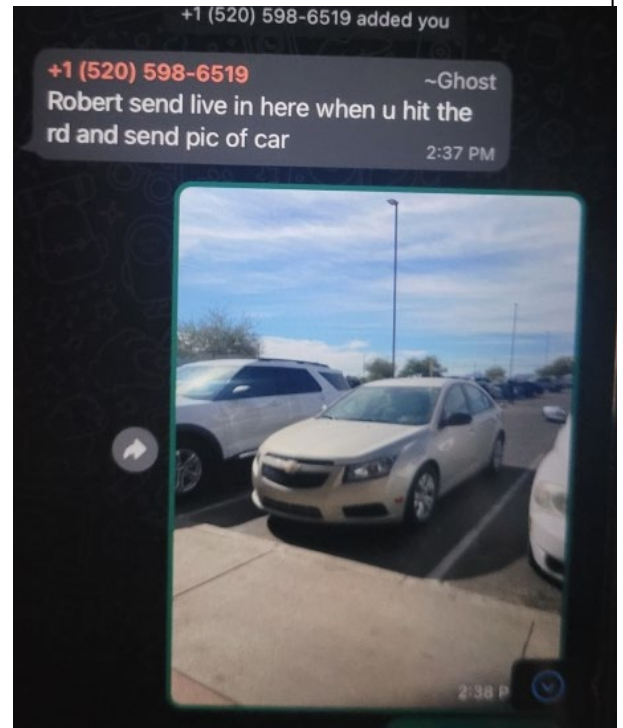
10 Flaccobabyx2: Paa I got my GED I'm moving back we running a bag up watch this
 11 group that imma have...500k by the end of the year watch 10 Pollos
 12 a day yessir

13 **November 27, 2022, Arrest of Gutierrez**

14 On November 27, 2022, an Arizona Department of Public Safety (AZDPS) officer
 15 was working in Cochise County, Arizona, around mile post 331 on State Route 92 when
 16 he observed a 2014 silver Chevrolet Cruze (Cruze) traveling 68 mph in a posted speed zone
 17 of 55 mph. The officer ran the license plate of the Cruze and noticed it had hit off a license
 18 plate reader heading south 20 minutes prior. The Cruze was now heading north. The vehicle
 19 was also registered out of Coolidge, Arizona. Based on the circumstances, the office
 20 initiated a traffic stop to investigate.

21 As the officer approached the vehicle he saw half of the rear seat was folded down
 22 and was covered in dirt and twigs. As the officer approached the front of the vehicle he
 23 encountered the driver, later identified as Robert Gutierrez (Gutierrez) and a front seat
 24 passenger who had camouflage pants pulled down around his ankles. USBP arrived on
 25 scene and determined the front seat passenger and two individuals concealed in the trunk
 26 of the vehicle were illegal aliens. Gutierrez was later determined to have a firearm in his
 27 waistband. The magazine was loaded but no bullet was in the chamber.
 28

Gutierrez was read his *Miranda* rights, signed the waiver form, and agreed to be interviewed. He stated he was “picking up illegals” and consented and signed a form allowing agents to search his cellphone. Gutierrez said he worked his “cousin” and stated his name was “Dom” or “Dominic” who used phone number 520-598-6519 and his Snapchat username is ghost.flacco with a display name of Ghost⁷. Both the phone number and Snapchat account trace back to LEOS. Gutierrez said LEOS was involved in alien smuggling, briefly stopped, but is now back



smuggling aliens. LEOS approached Gutierrez and recruited him to alien smuggle and was going to pay him \$1,100 per alien smuggled. Texts messages recovered show LEOS coordinated the smuggling event that Gutierrez was arrested for on November 27, 2022. Based on texts messages and videos on Gutierrez’s cellphone, Gutierrez had smuggled aliens’ numerous times.

January 18, 2022, Arrest of HACKNEY and PARKER II

On January 14, 2023, a Border Patrol agent working in the Wilcox, Arizona area observed a black 2010 Subaru Forester (Forester) pass his location on State Route 90. The driver appeared to be nervous, sitting upright, while the front seat passenger was leaning over resting his head on his hands on the arm rest. The Forester also had fresh dust and multiple handprints on the rear hatch. The vechile also looked to be heavily laden. The Border Patrol agent pulled out to investigate. As he pulled alongside of the Forester, the

⁷ During LEOS post *Miranda* interview, he admitted to changing the name of his Snapchat to ghost.flacco.

1 front seat passenger looked at the Border Patrol agent then quickly put his head back into
2 his hands. The driver never looked at the Border Patrol agent. The Forester's registration
3 came back registered out of Mesa, Arizona. Based on the totality of the circumstances, the
4 agent conducted a vehicle stop of the Forester due to his suspicions it was involved in alien
5 smuggling.

6 The vehicle stopped without incident and while the agent approached the passenger
7 side, he noticed numerous individuals laying down in the rear compartment of the Forester.
8 The driver was identified as Hailey Ann Marie Hackney (Hackney). The front seat
9 passenger was identified as Timothy Parker II (Parker). The Border Patrol agent conducted
10 an immigration inspection on the rear passengers and determined all five rear passengers
11 were illegal aliens. Both Hackney and Parker were arrested and released without being
12 interviewed.

13 On January 18, 2023, a Border Patrol Intelligence Officer contacted Hackney on her
14 cellphone. She informed the officer she was recruited buy two males known as
15 Ghost/Dom/Flaca and Jay. She described Ghost/Dom/Flaca as being Hispanic (later
16 positively identified as LEOS). On January 3, 2023, and January 15, 2023, she along with
17 LEOS and Jay traveled to Sierra Vista, Arizona to smuggle aliens. Hackney informed
18 agents LEOS works for an individual named GP who proves him with GPS coordinates
19 where the drivers are to pick up the illegal aliens. LEOS then recruits drivers to pick up the
20 illegals. LEOS uses WhatsApp to coordinate the pickups and sending of the GPS
21 coordinates to the drivers.

22 On January 14, 2023, Hackney stated she received GPS coordinates from LEOS on
23 where to pick up the illegal aliens in the Huachuca Mountains. After she picked up the
24 aliens, she was arrested by Border Patrol. Hackney provided the phone number LEOS used
25 to coordinate the smuggling venture as (520) 840-7346.

26 **LEOS' Arrest & Interview**

27 In LEOS' post *Miranda* interview, he informed agents there was only two paths
28 when you run aliens, "doing this going to end in jail or dead." He also minimized his role

1 and stated he was not connected to the cartel. In 2022, LEOS provided his cellphone to
2 CGPD. In the phone agents were able to recover a treasure trove of information regarding
3 LEOS and his alien smuggling ventures⁸. During one conversation, regarding picking up
4 12 aliens, LEOS informs the driver he is still waiting on the PINS, gps pin drop location,
5 where aliens need to be picked up. When the user asks for the PIN location, LEOS informs
6 the user he was “waiting on boss”. When the user asks where they are going after they pick
7 up, LEOS says, “I don’t have it until cartel sends me it.” (Exhibit A).

8 Conclusion

9 The information provided above is only a glimpse into the data retrieved from
10 LEOS’s social media accounts along with data from his cellphone. The data confirms,
11 LEOS’s extensive use of social media to recruit, coordinate, smuggle and pay drivers to
12 transport illegal aliens from Southern Arizona to Phoenix. Alien Smuggling and
13 coordinating drivers was his day-to-day job. His conduct makes him a clear danger to the
14 community. Especially his recruitment of high-school aged individuals who he lures into
15 working for him as drivers based on his social media posts that glamorize alien smuggling.

16 For all of the above reasons, the United States requests that the defendant be
17 sentenced to 37 months of imprisonment and 36 months of supervised release. The
18 sentence is reasonable and appropriate in this case. The plea agreement provided
19 stipulations that reduced the defendant’s exposure. Therefore, the United States believes
20 no other variances or reductions from the guidelines would be appropriate. A sentence of
21 37 months of imprisonment achieves the statutory goals of sentencing and is a just
22 punishment based on the defendant’s criminal history and actions.

23
24
25 ⁸ Throughout text thread conversations LEOS had with drivers, he would request
26 the conversation be transferred to WhatsApp. Many coordinators use Snapchat to recruit
27 drivers then switch to WhatsApp to facilitate the coordination, logistics, ping drop
28 locations, and payment. WhatsApp is an encrypted application. In numerous text threads,
once the conversations turned to picking up aliens and PIN locations, LEOS requests the
conversation be moved to WhatsApp, and sends the user a link to the WhatsApp
conversation. The WhatsApp application was deleted from LEOS phone prior to him
providing it to CGPD.

1 Respectfully submitted this 22nd day of April, 2024.

2 GARY M. RESTAINO
3 United States Attorney
4 District of Arizona

5 s/Stuart J. Zander
6 Stuart J. Zander
7 Assistant U.S. Attorney

8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on this 22nd day of April 2024, I electronically transmitted the
10 attached document to the Clerk's Office using the CM/ECF System for filing and
11 transmittal of a Notice of Electronic Filing to the following CM/ECF registrant: Ramiro
12 Salazar Flores.

13 s/Stuart J. Zander
14 U.S. Attorney's Office
15
16
17
18
19
20
21
22
23
24
25
26
27
28